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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

Michael L. Smith,

Petitioner,

v.

Renee Baker, *et al.*,

Respondents.

Case No. 3:13-cv-00246-RCJ-WGC

**Order Granting Unopposed  
Motion for Extension of Time to  
File Reply**

**(First Request)**

## POINTS AND AUTHORITIES

Petitioner Michael L. Smith respectfully asks this Court to enter an Order extending his deadline for filing a Reply in support of his Second Amended § 2254 Petition by 60 days until March 12, 2021.

Litigation of the warden's motion to dismiss was completed on March 6, 2020, which this Court granted the motion in part.<sup>1</sup> Baker filed her Answer on November 25, 2020.<sup>2</sup> Based on this Court's order, Smith's Reply is due 45 days later, or by January 11, 2021.<sup>3</sup>

This is Smith's first request for an extension.

This extension is necessary to allow counsel time to prepare and file Smith's Answer. The Answer, and in turn the Reply, address four claims, two of which are ineffective assistance of counsel claims that in turn contain several sub-claims. Given the lengthy litigation in state court and in this Court, counsel needs more time to draft Smith's Reply.

Counsel's work on this case has been slowed by the holidays, the challenges of working remotely during the pandemic, and counsel's management responsibilities. Counsel also has less access to Smith, who is incarcerated at Ely State Prison. As counsel understands it, the prison remains on rolling lockdowns in an effort to combat the spread of the virus within the institution.

This extension will give counsel the time she needs to complete Smith's Reply. This motion is not filed for the purposes of delay but in the interests of justice, as well as in Smith's interests. Accordingly, Smith respectfully asks this Court to grant the requested extension to March 12, 2021.

<sup>1</sup> ECF No. 83.

2 ECF No. 93.

<sup>3</sup> ECF No. 83 at 11.

Counsel contacted Senior Deputy Attorney General Allison Herr by e-mail today, who replied that she did not object to the requested extension.

Dated January 8, 2021.

Respectfully submitted,

Rene L. Valladares  
Federal Public Defender

/s/ *Amelia L. Bizzaro*  
Amelia L. Bizzaro  
Assistant Federal Public Defender

IT IS SO ORDERED:

United States District Judge

Dated: January 8, 2021.